

UNITED STATES DISTRICT COURT

for the

Southern District of Illinois

Damron "Divine Desire" Cole
(Plaintiff/Petitioner)

v.
Pat Quinn, Governor, State of Illinois,

S. A. Godinez, Director, Illinois Department of Corrections,

Gladys Taylor, Assistant Director, Illinois Department of Corrections,

TJ Banks, Southern Wrecker, Illinois Department of Corrections,

Sherra Benton, Administrator, Office of Inmate Issues (DOI)

Jaclyn C. Day, Chief of Constituent Services (DOC)

Donald W. Geetz, Warden, Pinckneyville Correctional Center,

David Redman, Assistant Warden, Pinckneyville Correctional Center,

Carl Wilson, Assistant Warden, Pinckneyville Correctional Center,

Kathy Deer, Corrections Officer, Pinckneyville Correctional Center,

Antonia, Counselor, Pinckneyville Correctional Center,

William Pickering, Major, Pinckneyville Correctional Center,

Derrick Cleland, Major, Pinckneyville Correctional Center,

Jason Bradley, Lieutenant, Pinckneyville Correctional Center,

Williams, Lieutenant, Pinckneyville Correctional Center,

Jon Camp, Sergeant, Pinckneyville Correctional Center,

Brett Klinzwirth, Lieutenant, Pinckneyville Correctional Center,

James Reeves, Psychologist, Pinckneyville Correctional Center,

Troy Eppin, Psychologist, Pinckneyville Correctional Center,

Ty Wallace, Psychologist, Pinckneyville Correctional Center,

Mark Baxolo, Officer, Pinckneyville Correctional Center,

Marcus Myers, Officer, Pinckneyville Correctional Center,

Carol McBride, Officer, Pinckneyville Correctional Center,

Tommy Harmon, Nurse, Pinckneyville Correctional Center,

Amber, Officer, Pinckneyville Correctional Center,

Graves, Officer, Pinckneyville Correctional Center,

Samolaski, Officer, Pinckneyville Correctional Center,

Clerk, Officer, Pinckneyville Correctional Center,

Furlow, Officer, Pinckneyville Correctional Center,

James, Officer, Pinckneyville Correctional Center,

Thurlock, Officer, Pinckneyville Correctional Center,

Collier, Officer, Pinckneyville Correctional Center,

Ramsey, Officer, Pinckneyville Correctional Center,

Individually and in their official capacities
Defendant/Respondent

complaint

Civil Action No # 12-1686-MJR

I. JURISDICTION

- 1) This is a civil action authorized by 42 U.S.C. section §1983 to redress the deprivation under color of state law, of rights secured by the constitution of the United States. The court has jurisdiction under 28 U.S.C section 1331 and 1333
- 2) Plaintiff "Kevine" claims for injunctive relief are authorized by 28 U.S.C section 2283 & 2284 and rule 65 of the Federal Rules of Civil Procedures.
- 3) The Southern District Court of Illinois is an appropriate venue under 28 U.S.C section 1331(b)(2) because it is where the events giving rise to this claim occurred.

A PLAINTIFF:

Plaintiff Kevine "Kevine" Cole is and was at all times mentioned herein a prisoner of the state of Illinois. Illinois Department Of Corrections (IDOC). She is currently confined in Pontiac Correctional Center.
Kevine "Kevine" Cole # R13404

700 W. Lincolnst P.O. Box 94

Pontiac, IL 61764

Defendant #1

B Defendant Pat Quinn, is employed as Governor with State of Illinois
207 State House, Springfield, IL 62706

At the time the claim alleged this complaint arose, this defendant was employed by the state, local government.

Defendant Pat Quinn is the Governor of the state of Illinois and the head of (I.D.O.C)

Defendant #2

C Defendant S.A. Godinez, is employed as Director (I.D.O.C) with State of Illinois Department of Corrections. 1301 Concordia ct. P.O. Box 19277, Springfield IL 62744-4277 At the time the claim alleged this complaint arose, this defendant was employed by the state, local government. Defendant S.A. Godinez is the director of the Illinois Department of Corrections (IDOC).

Defendant #3

C Defendant Gladys Taylor is employed as Assistant Director with Illinois Department of Corrections 100 w. Randolph st. ste 1200 Chicago, IL 60601.

At the time the claim alleged this complaint arose, this defendant was employed by the state, local government.

Defendant Gladys Taylor is the director of the Illinois Department of Corrections (IDOC).

Defendant #4

E Defendant Ty Bates is employed as Southern Region Deputy Director with Illinois Department of Corrections. 2305 W. Main st suite 128, Kewanee IL 66954

At the time the claim alleged this complaint arose, this defendant was employed by the state, local government.

Defendant ~~Ty~~ Bates is the director of the Illinois Department of Corrections (IDOC).

Defendant #5

+ Defendant Sherry Benton is employed as Administrator Officer, Office of inmate issues with Illinois Department of Corrections, 1301 Concordia ct. P.O. Box 19277 Springfield, IL 62744-9277

At the time the claim alleged this complaint arose, this defendant was employed by the state, local government.

Defendant Sherry Benton is the administrator for the Office of inmate issues of (I.D.O.C)

Defendant #6

+ Defendant Jacklyn O'Day is employed as Chief of Constituent Services with Illinois Department of Corrections, 1301 Concordia ct. P.O. Box 19277 Springfield, IL 62744-9277

At the time the claim alleged this complaint arose, this defendant was employed by the state, local government.

Defendant Jacklyn O'Day is the chief of constituent services of (I.D.O.C)

Defendant #7

+ Defendant Ronald Gaetz is employed as Head Warden / Chief Administrative Officer with Illinois Department of Corrections, Pinckneyville Corrections, 5325 State Route 154, P.O.Box 499, Pinckneyville, IL 62274.

At the time the claim alleged this complaint arose, this defendant was employed by the state, local government.

Defendant Ronald Gaetz is the Head Warden / Chief Administrative Officer of Pinckneyville Corrections.

Defendant #8

I. Defendant David Redinger is employed as

Assistant Warden with (I.DOC) Pinckneyville Corrections
5835 State Route 154, P.O.Box 999 Pinckneyville, IL 62274

At the time the claim alleged this complaint arose, this defendant was employed by the state local government.

Defendant David Redinger is the Assistant Warden for (I.DOC) Pinckneyville Corrections.

Defendant #9

J. Defendant Earl Wilson is employed as

Assistant Warden with (I.DOC) Pinckneyville Corrections
5835 State Route 154, P.O.Box 999 Pinckneyville IL 62274

At the time the claim alleged this complaint arose, this defendant was employed by the state local government.

Defendant Earl Wilson is the Assistant Warden for (I.DOC) Pinckneyville Corrections.

Defendant #10

K. Defendant Kathy Dean is employed as

Grievance Officer with (I.DOC) Pinckneyville Corrections

5835 State Route 154, P.O.Box 999 Pinckneyville IL 62274

At the time the claim alleged this complaint arose, this defendant was employed by the state local government.

Defendant Kathy Dean is the grievance officer for (I.DOC) Pinckneyville Corrections.

Defendant #11

M Defendant William Pickering is employed as Major/Correctional Guard with Pinckneyville Center 5835 State Route 154, P.O. Box 999 Pinckneyville IL 62274

At the time the claim alleged this complaint arose, this defendant was employed by the state, local government.

Defendant William Pickering is the Major/Correctional Guard for Pinckneyville Corrections.

Defendant #12

M Defendant Derrick Cleland is employed as Major/Correctional Guard with Pinckneyville Corrections 5835 State Route 154, P.O. Box 999 Pinckneyville, IL 62274

At the time the claim alleged this complaint arose, this defendant was employed by the state, local government.

Defendant William Pickering is the Major/Correctional Guard for Pinckneyville Corrections.

Defendant #13

M Defendant Jason Brady is employed as Lieutenant/Inmate Affairs/Correctional Guard with Pinckneyville Correctional 5835 State Route 154, P.O. Box 999 Pinckneyville IL 62274

At the time the claim alleged this complaint arose, this defendant was employed by the state, local government.

Defendant Jason Brady is the Lieutenant of Inmate Affairs of Pinckneyville Corrections.

DEFENDANT #14

C. Defendant Brett Klingworth is employed as Lieutenant/Chair Person/Correctional Guard with Pinckneyville Correction (I.D.O.C) 5835 STATE ROUTE 154, P.O. Box 999, Pinckneyville IL 62274

At the time the claim alleged this complaint arose, this defendant was employed by the state local government.

Defendant Brett Klingworth is the Lieutenant/Chair person of the Adjustment Committee at Pinckneyville Corrections.

DEFENDANT #15

P. Defendant Williams is employed as Lieutenant/Correctional Guard with Pinckneyville Correctional (I.D.O.C) 5835 STATE ROUTE 154, P.O. Box 999, Pinckneyville IL 62274

At the time the claim alleged this complaint arose, this defendant was employed by the state local government.

Defendant Williams is the Lieutenant at Pinckneyville Corrections.

DEFENDANT #16

G. Defendant Jon Camp is employed as Sergeant/Correctional Guard with Pinckneyville Corrections (I.D.O.C.) 5835 state Route 154, P.O. Box 999, Pinckneyville IL 62274

At the time the claim alleged this complaint arose, this defendant was employed by the state local government.

Defendant Jon Camp is the Sergeant at Pinckneyville Corrections.

DEFENDANT #17

R Defendant James Reeves is employed as Psychologist with (I.D.O.C) Pickneyville Corrections 5835 State Route 154, P.O. Box 999 Pickneyville, IL 62274 At the time the claim alleged this complaint arose, this defendant was employed by the state local government. Defendant James Reeves is the Psychologist for Pickneyville Corrections.

DEFENDANT #18

S Defendant Tracy Epply is employed as Psychologist/Mental Health Service with (I.D.O.C) Pickneyville Corrections 5835 State Route 154, P.O. Box 999 Pickneyville IL 62274 At the time the claim alleged this complaint arose, this defendant was employed by the state local government. Defendant Tracy Epply is the Mental Health Service for Pickneyville Corrections.

DEFENDANT #19

T Defendant Ty Wallace is employed as Psychologist/Mental Health Service with (I.D.O.C) Pickneyville Corrections 5835 State Route 154, P.O. Box 999 Pickneyville IL 62274 At the time the claim alleged this complaint arose, this defendant was employed by the state local government. Defendant Ty Wallace is the Mental Health Service for Pickneyville Corrections.

Defendant #20

V. Defendant

Mark Bosolo, is employed as
Correctional Guard with Pinckneyville Corrections
5835 State Route 154, P.O. Box 999 Pinckneyville
IL 62274.

At the time the claims alleged this complaint arose, this defendant was employed
by the state local government.

Defendant Mark Bosolo is a Correctional Guard with Pinckneyville Corrections.

Defendant #21

V. Defendant

Marcus A Myers is employed as
Correctional Guard with Pinckneyville Corrections
5835 State Route 154 P.O. Box 999 Pinckneyville
IL 62274

At the time the claims alleged this complaint arose, this defendant was employed
by the state local government.

Defendant Marcus A Myers is a Correctional Guard with Pinckneyville Corrections.

Defendant #22

W. Defendant

Carol McBride is employed as
Correctional Guard with Pinckneyville Corrections
5835 State Route 154, P.O. Box 999 Pinckneyville Corrections
IL 62274

At the time the claims alleged this complaint arose, this defendant was employed
by the state local government.

Defendant Carol McBride is a Correctional Guard with Pinckneyville
Corrections.

DEFENDANT #23

X Defendant Tammy Harmon is employed as
Nurse with (I.DOC) Pinckneyville Correction
5835 State Route 154, P.O. Box 999 Pinckneyville IL 62274

At the time the claims alleged this complaint arose, this defendant is employed
by the state local government.

Defendant Tammy Harmon is the Nurse for Pinckneyville Corrections.

DEFENDANT #24

1 Defendant Crebtree is employed as
Correctional Guard with (I.DOC) Pinckneyville Corrections
5835 State Route 154, P.O. Box 999 Pinckneyville IL 62274

At the time the claims alleged this complaint arose, this defendant is employed
by the state local government.

Defendant Crebtree is the Correctional Guard Pinckneyville Corrections.

DEFENDANT #25

2 Defendant Graves is employed as
Correctional Guard with (I.DOC) Pinckneyville Corrections
5835 State Route 154, P.O. Box 999 Pinckneyville IL 62274

At the time the claims alleged this complaint arose, this defendant is employed
by the state local government.

Defendant Graves is the Correctional Guard Pinckneyville Corrections,

DEFENDANT #26

AA... Defendant Sempliesky is employed as Correctional Guard with (I.D.O.C) Pinckneyville Corrections 5835 State Route 154, P.O. Box 999 Pinckneyville IL 62274

At the time the claims alleged this complaint arose, this defendant was employed by the state local government.

Defendant Sempliesky is a Correctional Guard for Pinckneyville Corrections.

DEFENDANT #27

AB... Defendant Clark is employed as Correctional Guard with (I.D.O.C) Pinckneyville Corrections 5835 State Route 154, P.O. Box 999 Pinckneyville IL 62274

At the time the claims alleged this complaint arose, this defendant was employed by the state local government.

Defendant Clark is a Correctional Guard for Pinckneyville Corrections.

DEFENDANT #28

AC... Defendant Turlow is employed as Correctional Guard with (I.D.O.C) Pinckneyville Corrections 5835 State Route 154, P.O. Box 999 Pinckneyville IL 62274

At the time the claim alleged this complaint arose, this defendant was employed by the state local government.

Defendant Turlow is a Correctional Guard for Pinckneyville Corrections

DEFENDANT #24

AD. Defendant James is employed as
Correctional Guard with F.D.O.C Pinckneyville Corrections
5835 State Route 154, P.O. Box 999 Pinckneyville IL 62274

At the time the claims alleged this complaint arose, this defendant was employed
by the state local government.

Defendant James is a Correctional Guard for Pinckneyville Corrections.

DEFENDANT #30

AE. Defendant Ruebke is employed as
Correctional Guard with (I.D.O.C) Pinckneyville Corrections
5835 State Route 154, P.O. Box 999 Pinckneyville IL 62274

At the time the claims alleged this complaint arose, this defendant was employed by the state
local government.

Defendant Ruebke is a Correctional Guard for Pinckneyville Corrections.

DEFENDANT #31

AF. Defendant Collier is employed as
Correctional Guard with (I.D.O.C) Pinckneyville
Corrections 5835 State Route 154, P.O. Box 999
Pinckneyville IL 62274

At the time the claims alleged this complaint arose, this defendant was employed by
the local government.

Defendant Collier is a Correctional Guard for Pinckneyville Corrections.

DEFENDANT #32

AG Defendant Ramsey is employed as

Correctional Guard with (I.DOC) Pinckneyville
Corrections 5835 State Route 154, P.O.Box 944 Pinckneyville
IL 62274

At the time the claims alleged this complaint, this defendant was employed by the
State local government.

Defendant Ramsey is a Correctional Guard for Pinckneyville Corrections.

INDEX

37 pages of EXHIBITS

29 pages of the original complaint

66 pages Total.

II PREVIOUS LAWSUITS

- A. No other lawsuits are being pursued in state or federal court relating to my imprisonment.

III GRIEVANCE PROCEDURE

- A. There is a prisoner grievance procedure in the institution.
- B. All the facts have been related and stated in the prisoner grievance procedure concerning this complaint.
- C. After writing all facts relating to this complaint on a designated grievance form it was then sent to the counselor.
- D. Grievances that were denied; while several others went ignored.
- E. Grievances that were ignored by the institution were refiled and sent directly to the Office of inmate issues.
- F. Even with the grievance procedure letters were written to prison authorities, such The Director, Assistant Director, the southern region Deputy Director and the Warden.
- G. The assistant Director and Deputy responded and denied me any help.

A. All Exhibits which are included in order:

- 1) Administrative Review Board Office of Inmates Issues final decision. Copy of Grievance's as "Exhibits A & B".
- 2) Xeroxed copies of the letter sent to the Director, Assistant Director and Southern Region Director as "Exhibit C".
- 3) Four copies of final summary reports from the adjustment committee as "Exhibit D".
- 4) Xeroxed copies of grievance's that went unanswered by both Pinckneyville Corrections and Administrative Review Board Office of Inmates Issues as "Exhibit's E-F".
- 5) Xeroxed copies of letters sent the warden as "Exhibit's G".
- 6) Four declarations each written in their own handwriting and statement's relating to this complaint as "Exhibit's H".
- 7) The original letter sent from the Chief Constituent Services as "Exhibit's I".
- 8) The original letter sent from T. Bates (Defendant) as "Exhibit's J".

IV STATEMENT OF CLAIM

- 1) At all times relevant to this complaint Plaintiff Nameon "White Desire" Cole a Hembcourt openly known homosexual, who carries herself as a female. She was housed at Pinckneyville Correctional Center. Who also goes by Ms. Divine or Ms D.
- 2) On September 16, 2011 while housed at Pinckneyville Correctional Center, refused housing due to threats received from her cellmate and the unwillingness of staff not wanting to move her.

3) On September 30, 2011, Plaintiff Levine drafted a grievance concerning the living arrangements for (GBTQ) inmates.

4) The administration has sent forth a policy that allows them to house (GBTQ) inmates with, none (GBTQ) which cause and starts fights as well as assaults.

5) The administration of Pinckneyville Correction being, Governor Pat Quinn, Director of (I. DOC) Illinois Department Of Corrections, S.A Gardner Assistant Director of (I. DOC) Gladys Taylor, Southern Region Deputy Director T.W Bates, Chief of Constituent Services (I.DOC) Jacky G. Lay, Administrator of Office of Inmate Issues (I.DOC) Sherry Bentley Head Warden Donald W. Gaetz, Assistant Warden of Operations Earl Wilson, and Assistant Warden of Programs David Redhour.

6) All Defendant's previously stated were notified by grievance, and letter of the related complaint.

7) On December 21, 2011 a grievance was denied by defendant's Counselor Hartman and Grievance Officer Kathy Deen both who are employee's of Pinckneyville Correctional Center. This grievance was then forwarded to the Administrative Review Board Office of Inmates Issues. A) "In accordance with the 2011 Administrative Code 504." (SEE EXHIBIT-A)

Note: The grievance procedures gives inmates the voice to seek relief from any issues that may arise during inmates stay in (I.D.OC). Counselor Hartman and Grievance Officer Kathy Deen continuously take that voice away by denying all grievances.

8) After pleading with Correctional Guards to move "Divine" from cell 2D55 where she and her then cellmate was not getting along, she was then told to "Fuck or Fight." "Divine" continuously asked for assistance, she then in desperation sought relief in returning housing.

9) (G.B.T.Q) Vulnerable inmates are forced in cells were men who are homophobic and violent towards those inmates that's (G.B.T.Q), Gay, Bi-sexual, Transsexual, Queer.

10) Around October another inmate disciplinary report was written for intimidation and threats to another inmate. Never seeing the adjustment committee I was found guilty and sentence to four months Segregation. Upon seeing the adjustment committee's final summary this summary said "Divine" plead guilty. Defendant Carol McBride was the Chair person and Defendant Mercedes Myers.

SA) Clause #2

11) On December 12, 2011 while still housed in segregation for the previous charges, "Divine" was assigned inmate Lara as a cellmate. Upon seeing "Divine" Lara recognized "Divine" as a homosexual. After entering the cell inmate Lara immediately began pressuring me "Divine" for oral sex.

12) "Divine" then got the attention of Correctional Guards and notified staff of the situation. For four consecutive days "Divine's" pleads went ignored.

13) On December 15, 2011 "Divine" went on suicide watch to get out of the cell with her.

- 14) While on suicide watch Warden Carl Tracy Epplin spoke to "Divine" to see why she was on suicide watch. "Divine" informed Ms. Epplin of her current situation.
- 15) Tracy Epplin then went to internal affairs, Defendants Lieutenant Jason Brody and investigator Turlow of the situation. Who in turn notified the assistant Warden of Operations Earl Wilson and Major William Pickering.
- 16) At an interview conducted by investigator Defendant Turlow on the previous issue stated above, at that time "Divine" then requested Protective Custody and a change of status "vulnerable". Defendant Turlow then told "Divine" that he would send an outlook to Defendant Mr. Reeves through institutional computer.
- 17) A grievance was written on how staff handled the situation.
- 18) On the 19th of December another inmate whose name is unknown was assigned to live in cell A 77(5) house were inmate "Divine" was living. Again this inmate upon seeing "Divine" asked for sex, after being denied the request this inmate then refused housing and went on suicide watch.
- 19) Upon information and belief this unknown inmate and inmate Hera was incarcerated for rape charges.

Note: According to 730 ILCS 5/3-22 and 20 ILCS 504.620, Section C5, subsection C3 subject 107 of the Administrative Directive, states the following. Prior to housing two offenders in a cell, the respective Lieutenant or Chief Administrative Officer (Warden) shall review the RDC 0303 for each offender.

The review shall consider compatibility contraindications such as difference in age or physical size, security threat group affiliation, projected release dates, security issues medical or mental health concerns, history of violence with cell mates, and racial issues. (Grievance denied on Feb. 21, 2012)
SEE EXHIBIT B

20) None of which the administration of Pinckneyville goes by.

Clause # 3

21) January 16, 2012 "Kivine" was released from segregation to general population. Where upon arriving to her assigned cell house 3 "C" wing cell #79. An unknown inmate who occupied the cell before "Ms Kivine's" arrival recognized her.

22) This unknown inmate then told her "Kivine" she couldn't stay there, if they "meaning the guards" didn't move her then they would move both of them or us, while he "the unknown inmate" was putting on his gym shoes as if he was ready to fight.

23) During "Kivine's" schedule day room time this inmate and "Kivine" went to there unto officer % Collier also a defendant and told him the situation.

24) Defendant % Collier called Defendant % investigator Clark of internal affairs, he was told of the situation. Defendant Clark then said either "or Kivine" to deal w/ it or walk herself.

25) "Divine" once again was left with no help from correctional guards, seeking relief once again in refusing housing. Before "Divine" refused housing she called her father and notified him of what officials were doing to her.

26) During "Divine's" phone conversation with her father Mr. Semphasky turned the phones off, then told "Divine" to cuff up because she refused housing. "Divine" never stated that she was refusing housing. "Divine" then told Semphasky also a defendant that she will be suing him for forcing her to refuse housing instead of simply recalling her.

27) Defendant Semphasky said verbatim so can't no judge do nothing to me, it won't be the first time some bodies tried to suit me and it damn sure won't be the last. (Disciplinary Report see exhibits E, and Grievance see exhibit F). (Also see EXHIBIT - H)

28) "Divine" repeatedly requested for protective custody and or Vulnerable status and was constantly being denied by the administration.

Clause #4

29) On February 23, 2012 Defendant Ruebke working receiving Segregation stopped at "Divine's" cell door, during count and made a comment. "You dressed for the gay parade".

30 Laughing at his insulting joke while walking away. A few minutes later "Ms. Divine" was holding a conversation with another inmate Alfred Carr, Ruebke came back a second time and stated "It spells tick tick, you still not in P.C. homosexual". (See Grievance Exh. bit G)

31) Defendant's Ramsey and Marcus A Myers came walking down receiving Segregation and both made insulting comments towards her "Wife". Only after she asked % Marcus A Myers did he or his co-defendant Brett Kinds worth put her in for a transfer, since they held the hearing of her disciplinary report without her being there. (SEE EXHIBIT - C)

Note: According to 20 Illinois administrative code section 501-500

2), which states the following "The adjustment committee hearing shall be convened but need not be concluded within (4) days after the commission of the offense by an adult offender or whenever possible, unless the offender has received a confinement or is unable or unavailable for any reason to participate in the hearing. For purpose of this section, when an investigation has taken place, any offense is considered to be discovered upon the conclusion of the investigation. Inability to participate includes the absence of the offender from the facility for any reason or certification by the healthcare staff that the offender is unable to appear.

32) None of which was the case with "Wife". Defendant Ramsey looked at Defendant Marcus A Myers and then stated "At least I don't like it up the ass, I like pussy you faggot". Then Defendant Marcus Myers said "A P.C. bitch, bring your faggot ass out to population and stop trying to suck dicks".

33) March 3, 2012 grievance was written requesting protective custody and/or vulnerable status, as well as an interview that was conducted by Defendant Jason Bratley for protective custody.

34) On February 24th, 2012 Lieutenant Jason Brody whose
over the Internal Affairs comm: he conducted an interview with "Ms. Divine,"
who told Lieutenant Brody that she feared for her safety, how she's not
trying to have sex with other inmates while in prison.

35) "Divine" further went on to state inmates think just because she conceives
herself to be a girl and carry feminine traits and characteristic's
that she's suppose to have sex with anybody at there beck and call.
Immediately after the interview Lieutenant Jason Brody
refused to place her in protective custody and on Vulnerable status.

36) It was then told to her verbatim "Dr. Reeves another Defendant
didn't think it fit the criteria of an Vulnerable inmate."

Note: Pickneyville Corrections has a Vulnerable system in place
and all or most of the inmates who are on Vulnerable status are
violent inmates.

37) Defendant's Pat Quinn, S.A. Gomez, Gladys Taylor, and P.W. Banks
were all notified through numerous letters sent to them.

38) Defendant's Marold Gaetz, Ward Redman, Earl Wilson
were all notified through the grievance procedure. (See exhibit's I
and D-1.)

Clause #5

(31) On February 25th % Ramsey while working receiving segregation Unit, during the passing out of lunch trays this % else a Defendant stopped by "Divine's" cell and said "hey Cole how's your ass?"

(32) After asking % Ramsey why he was coming at her "Divine" like that Ramsey then stated "haven't you heard i'm half Indian and white"

(33) On the 26th of February again % Ramsey working receiving segregation, ignored all of "Divine's" request for segregation pens and grievances.

(34) Later that same day % Ramsey approached "Divine's" door with his hand on his crotch and told what was suppose to be a joke, an insult. "How many traps does it take to screw in a light bulb, twelve cause there all busy screwing each other." (see GRIEVANCE EXHIBIT-I)

(35) After "Divine's" second house returning on the 16th of January, I was seen by Internal Affairs Defendant Furlow, again the request for Vulnerable status was placed to the Psychiatric team. No one from the psych department, Defendant's Psychologist Dr. James Reeves, Mental Health Service Tracy Epplin, and Mental Health Service Ty Wallace, came to talk to me about vulnerable status.

(36) On March 5, 2012 "Divine" wrote a grievance on not being seen by the Psychiatric team. "Divine" was taking and still is taking Psychotropic medicine. (see GRIEVANCE EXHIBIT-J)

45) On March 6, 2012 Defendant Crabtree was receiving segregation during his inmate count the defendant ordered "Ms Divine" to get out of her bunk and strip. After not complying with the order, Crabtree then threatened her with leaving her light on all night and calling the Lieutenant.

46) Lieutenant % Graves then followed behind % Crabtree with those same unorthodox orders, then left my light on all night because I would not strip. (see Grievance Exhibit -h).

Note: According to 730 ILCS 5/3-2-2 and 775 ILCS 5/1-101, Administrative Directive section 03, subsection 01, subject 310 "Sexual Harassment" II.7.1 D states the following "Verbal conduct such as sexual innuendos, suggestive comments, insults, humor or jokes about sex, anatomy, or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees, even outside of their presence, of a sexual nature.

47) On March 5, 2012 "Divine" started writing letters to the Defendant Ronald K. Gaetz for an entire week notifying him of staff conduct and requesting protective custody. (see exhibit -h)

48) On March 9, 2012 "Divine" was then moved from a single cell where she was held since the 27 of January, to a double cell where inmate Chase Draper # S11979 was placed in the cell with her. Mr. Draper then told her that he was homophobic.

49) On March 9, 2012 Mr. Drapper and "Divine" both started notifying Lieutenant Williams on Defendant, Defendant Sergeant Hicks, Defendant Interenal Affairs Jones and a host of other Correctional Guard's who done nothing.
(SEE GRIEVANCE EXHIBIT-K, Declaration of inmate Draper EXHIBIT-M)

Clause #6

- 50) On March 11, 2012 Defendant Sergeant Jon Corp wrote a fraudulent disciplinary report on "Divine" stating that she "Divine" said, "I'm going to beat your fucking ass." (SEE Adjustment committee final summary report EXHIBIT-D)
- 51) On March 28, 2012 the adjustment committee telephoned paper, holding a hearing while I'm in my cell, without me being present again, and said I plee guilty to the charges, sentencing me to two more months of segregation.
- 52) Never did I have a chance to give any statement nor defend myself, on no I.D.R did I ever see the board except for my first and second house refused.
- 53) Exactly six days later On March 24 Defendant Nurse Tammy R. Harmon wrote yet another fraudulent Inmate Disciplinary Report (IDR). In her report Tammy states that "Divine" was masturbating thru the chuck hole at her. (SEE GRIEVANCE EXHIBIT-K)

54) On April 2, 2012 again the adjustment committee holds at another hearing without my presence and again the adjustment Committee claimed i plea guilty and sentence me to six months segregation, six months loss of good time, six months of C grade.

Note: The Adjustment Committee in Pinckneyville Corrections is always Lieutenant Brett Klindworth chair person, Marcus A Myers, or on March 17 2012 Carol A McBride was apparently in for Marcus Myers. Also notice how they said i pleaded guilty to every charge not willing to fight any of them.

55). Officer Carol McBride who was a lieutenant as well as Marcus Myers and Lieutenant Brett Klindworth all know "Divine" who is biologically male feels, acts and carry's herself as a woman.

56) On May 18th 2012 a letter from the office of Defendant Jacklyn O'Day, Chief of Constituent Services, was sent to "Ms Wimme" telling her that the Assistant Director Gladys Taylor forwarded her letter over to their office, making all parties very well aware of what's going on.

57) Ms O'Day states that all housing assignments are ~~not~~ made on a non-discriminatory manner and are not based on race, religion, nationality or political beliefs. (SEE EXHIBIT - N)

Note: The Administrative Directive A.S.03.107

States 7.5 "The review shall consider compatibility, contradications such as difference in age or size, security threat groups affiliation, projected Release dates, Security issues, medical or mental health concerns, history of violence with cellmates, and Racial Issues.

(58) On the 19th of March, Ty Bates sent a letter of response to me denying me protective custody saying i'm trying to manipulate cell status.
(SEE EXHIBIT-A) (also SEE EXHIBIT-C)

V LEGAL CLAIMS

(59) Plaintiff reallege and incorporates by reference paragraphs 1-58 all defendants fail to protect and adequately house "Diane", violating her Eighth Amendment to the United States Constitution.

(60) Defendants S. A. Crodinez, Gladys Taylor, Ty Bates, Sherry Benton, Jacklyn O'day, Donald Gaetz, David Redinger, Carl Wilson, William Pickering, Kenneth Cleland, Jason Brody, and Dr. Reeves all had the power to make any necessary changes and moves that would have prevented her from being pressured and forcing her to refuse housing. which is a failure to protect, which is a direct violations of her ~~8th~~^{fourteenth} Amendment right.

(61) Defendants Collier, Samborsky, Marcus Myers, Clark, Turbow, Ruebke, Ramsey, Tracy Eppin, Ty Wallace, Hartman, Kathy Deen and Carol McC Bridge were all made aware of "Kwirine's" request along with Jason Brady, Kerrick Cleland, William Pickering, Howard Gaetz, David Redgour, Carl Wilson and S.A. Gomez, for Protective Custody all denied her in one way or the other which violated her Fourteenth and Eighth Amendment. (DUE Process and EQUAL Protection, cruel and unusual).
p.m. statement

(62) Defendants Hartman, Kathy deen, Sherry Benton and Howard Gaetz all denied her grievance's which is her voice while incarcerated. Violating her First Amendment (freedom of speech)

(63) Defendants Marcus Myers, Ruebke, Ramsey, Crabtree, Graves, FBI Camp, Tammy Harmon all verbally assaulted Kwirine and/or written false report which is a violation of her Fourth Amendment.
(The right of the people to be secure in their person)

(64) Plaintiff "Kwirine" has no plain adequate or complete remedy at law to redress the wrongs described herein. "Kwirine" has been and will continue to be irreparably injured by the conduct of the defendants unless this court grants the declaratory and injunctive relief which Plaintiff seeks.

VI PRAYER FOR RELIEF

- (5) Granting Plaintiff "Divine" a declaration that the acts and omissions described herein violates her rights under the Constitution and laws of United States, and
- (6) A preliminary and permanent injunction ordering defendants, Pat Quinn, S.A. Godinez, and Gladys Taylor and Ty Bates, to change the policy on housing homosexuals with anybody.
- (7) Granting Plaintiff "Divine" compensatory damages in the amount of \$200,000 against each defendant, jointly and severally.
- (8) Plaintiff "Divine" seeks punitive damages in the amount of \$140,000 against each defendant, jointly and severally.
- (9) Plaintiff seeks a jury trial on all issues triable by jury.
- (10) Plaintiff also seeks recovery of their costs in this suite and
- (11) Any additional relief this court deems just, proper and equitable.
- (12) Plaintiff also seeks judgment for I do not to reboite Plaintiff for payment of incarceration.

Respectfully Submitted
Damon Cle# R13404
Pontiac Correctional Center
TOW. Lincoln P.O. Box 99
Pontiac IL 61764

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